

**CHARGE:** 403(a)—when shipped, the label statement "Giant \* \* \* Size 10 Oz." was false and misleading as applied to a product containing an average of only 9.78 ounces; and 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-16-62, amended decree 4-20-62. Default—delivered to charitable institutions.

**28205. Carling's beer.** (F.D.C. No. 47913. S. No. 7-980 T.)

**QUANTITY:** 296 cases, each containing 24 cans, at Providence, R.I.

**SHIPPED:** 7-11-62, from Natick, Mass., by Carling Brewing Co.

**LABEL IN PART:** (Can) "Carling Black Label Beer \* \* \* Brewed and Filled by Carling Brewing Company, Natick, Mass. \* \* \* Contents 12 Fl. Ozs."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short in volume.

**LIBELED:** 7-31-62. Dist. R.I.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 8-15-62. Default—delivered to charitable institutions.

**28206. Frozen orange juice concentrate.** (F.D.C. No. 46585. S. Nos. 42-260 T, 42-441/2 T.)

**QUANTITY:** 3,516 cases, 48 6-oz. cans each, at Philadelphia, Pa.

**SHIPPED:** Between 7-26-61 and 9-11-61, from Jacksonville and Tampa, Fla., by Food Fair Stores, Inc.

**LABEL IN PART:** (Can) "FF \* \* \* Pure Concentrated Orange Juice Net Contents 6 Fl. Ozs. No Sugar Added \* \* \* This can makes 6 servings; equal to the juice of one dozen average-size oranges Quick Frozen Distributed by F.F. Products, Inc., Phila. 34, Pa."

**LIBELED:** 10-26-61, E. Dist. Pa.

**CHARGE:** 403(a)—when shipped, the label statement "This can makes 6 servings; equal to the juice of one dozen average-size oranges," was false and misleading.

**DISPOSITION:** 6-27-62. Consent—claimed by Food Fair Stores, Inc., and released under bond for relabeling.

**28207. Tea.** (F.D.C. No. 47521. S. Nos. 11-230/2 T.)

**QUANTITY:** 8 cases, 44 boxes each, and 4 cases, 28 boxes each, at Rochester, N.Y.

**SHIPPED:** Between 3-28-62 and 4-18-62, from Cleveland, Ohio, by Cook Coffee Co.

**LABEL IN PART:** (Box) "Net Weight One-Half Pound Crown Special Blend For Iced Tea"; and (box) "Net Weight One-Half Pound [or "One Pound"] Cook's Exquisite Tea"; (all boxes labeled in addition) "Packed for and Distributed Exclusively by India Tea Company Cook Coffee Company Home Tea Company Central Tea Company Cleveland, Ohio."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 6-1-62, W. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6-28-62. Consent—claimed by Cook Coffee Co., and released under bond for reweighing and repacking.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

28208. Flour. (F.D.C. No. 46653. S. No. 80-496 R.)

INFORMATION FILED: 1-4-62, Dist. Mass., against Mazzola Bros. Bakery Trust, a trust, Nazzareno Mazzola, and Domenic J. Mazzola, individuals.

ALLEGED VIOLATION: Between 5-25-61 and 6-28-61, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to insects and to be exposed to the contamination of insects, by placing the flour in insect-contaminated flour-conveying equipment in said building, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-21-62. Trust—\$500 fine; each individual—probation for 6 months.

28209. Flour. (F.D.C. No. 46675. S. No. 57-010 R.)

INFORMATION FILED: 4-23-62, Dist. Minn., against La Grange Mills, a corporation, Red Wing, Minn., Louis W. Back, president, and Earl F. Holmquist, head miller.

SHIPPED: 4-22-61, from Minnesota to New York.

LABEL IN PART: (Bags) "100 LBS. NET Distributor Jacob Kulla Sons New York Riverside Choice Spring Patent Flour Bleached-Bromated-Enriched."

RESULTS OF INVESTIGATION: Analysis of the article showed it to be deficient in the enrichment ingredients.

CHARGE: 402(b)(1)—valuable constituents, thiamine, riboflavin, niacin, and iron had been in part omitted from the article; and 403(g)(1)—the article purported to be and was represented as enriched bromated flour, a food for which a definition and standard of identity had been prescribed by regulations and the article failed to conform to the definition and standard of identity.

PLEA: Guilty.

DISPOSITION: 4-23-62. Corporation—\$1,000 fine; Holmquist—\$50 fine; Back—\$50 fine.

28210. Flour. (F.D.C. No. 47089. S. No. 6-694 T.)

INFORMATION FILED: 4-24-62, Dist. Conn., against Arthur T. Makris, t/a Empire Baking Co., Hartford, Conn.

ALLEGED VIOLATION: On 10-10-61, the defendant caused quantities of flour, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and to be exposed to contamination by insects by placing the flour in insect-contaminated flour-conveying equipment, which acts resulted in the article being adulterated.